

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

**CHAMBERS OF
JAMES K. BREDAR
U.S. MAGISTRATE JUDGE**

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February 2, 2004

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Subject: *Nancy J. Whalen v. Donald L. Temper, et al.*
Civil Action No. JKB-02-191

Dear Counsel:

I write to memorialize the rulings, directives and understandings emanating from the pretrial conference held January 30, 2004.

1. A final draft Pretrial Order will be submitted to me jointly by the parties no later than close of business February 5, 2004, for my review and signature.
2. Pursuant to Fed. R. Evid. 403, there will be no mention before the jury of automobile or medical insurance. Counsel will instruct their witnesses accordingly.
3. The reports of the medical and accident investigation experts will not be entered into evidence.
4. A redacted version of the police report, a copy of which exhibit will be appended to the Pretrial Order, will be allowed into evidence.
5. A record of the conviction of Defendant Temper, with dismissed charges redacted, will be appended to the Pretrial Order and will be allowed into evidence.
6. Ms. Whalen will have five peremptory challenges, Mr. Temper will have two peremptory challenges, and Ms. Dunn and NuCar will share five peremptory challenges to the venire.
7. A list of numbered exhibits and a list of witnesses will be provided by each party and will be appended to the Pretrial Order.
8. Trial is scheduled for four days.

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9. The order of proof is as follows:
 - A. Whalen case in chief,
 - B. Temper defense,
 - C. Dunn and NuCar defense to Whalen and case in chief on cross-claim,
 - D. Temper defense to cross-claim,
 - E. Whalen rebuttal,
 - G. Dunn and NuCar rebuttal to Temper defense (no surrebuttal).
10. Counsel are to report to the courtroom at 9:15 a.m. on the day of trial. Call my chambers on the preceding Friday to learn the courtroom number.

Although informal, this letter constitutes an Order of the Court and will be docketed accordingly.

Very truly yours,

/s/

James K. Bredar
United States Magistrate Judge

JKB/cw

cc: Court File

Chambers File